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May 23, 2002

VIA FACSIMILE

Mr. Timothy Evans
Holbrock, Jonson, Evans & Olivas
315 S. Monument Avenue
Hamilton, OH 45011



Re: Skinner Landfill/Deposition of Elsa Skinner
Our File No. 72261

Dear Tim:

I tried to reach you yesterday to discuss the deposition of Elsa Skinner. You will recall that Elsa Skinner was deposed in the Skinner Landfill litigation through the alternative dispute resolution ("ADR") process. Under the terms of Judge Weber's case management order establishing that ADR process, the depositions are deemed confidential and cannot be used in the current litigation against those parties who refused to settle through the ADR process.

We have asked all of the parties in the ADR process to consent to the use of certain depositions from the ADR process, including the deposition of Elsa Skinner, in the current litigation. At least one of those non-settling parties has refused. Therefore, we will have to schedule a deposition of Elsa Skinner.

Before sending out a subpoena for Elsa's appearance, I thought I would attempt to reach an understanding with you on the date, time, location and duration of such a deposition. I would like to emphasize that I do not believe that the deposition would be nearly as extensive as the deposition that occurred in the ADR process. We will likely ask Elsa a series of questions relating to the operation of the Skinner Landfill, questions relating to the Skinner Log, and specific questions on a limited number of alleged potentially responsible parties for the Skinner Landfill.

I would appreciate it if you could call me at your earliest convenience so that we can discuss this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. O'Callaghan".

Michael J. O'Callaghan

MJO/jls

cc: Annette Lang
Craig Melodia
Louis E. Tosi